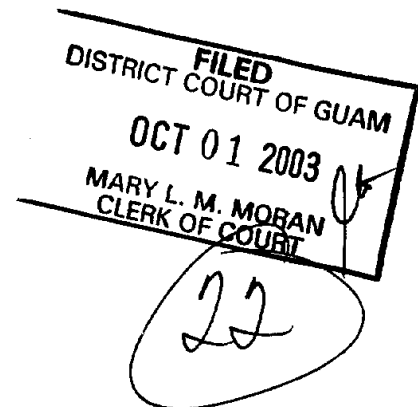


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8
9 Attorneys for Plaintiff Shell Guam, Inc.



10
11 IN THE DISTRICT COURT OF GUAM

12 SHELL GUAM, INC.,)
13 a Guam corporation,)
14)
15 Plaintiff,)
16 vs.)
17)
18 M/V GYOKO MARU NO. 18)
19 and NIKKISUISAN CORPORATION,)
20 a Japan corporation,)
21 Defendants.)
22)
23)
24)
25)
26)
27)
28)

CIVIL CASE NO. CIV03-00021

DECLARATION OF
STEVEN A. ZAMSKY IN SUPPORT
OF APPLICATION FOR FINAL
JUDGMENT OF DEFAULT BY
PLAINTIFF SHELL GUAM, INC.
AND FOR FRCP 54(b) CERTIFICATION

I, Steven A. Zamsky, declare as follows:

1. I am an attorney admitted to practice law in Guam USA.
2. I am the attorney of record for Plaintiff Shell Guam, Inc. (hereinafter "Plaintiff").
3. I make this Declaration in Support of the Application for Final Judgment by Default in favor of Plaintiff and against Defendant M/V Gyoko Maru No. 18 (hereinafter "Vessel") and having personal knowledge of all matters set forth herein if called to testify as to said matters I could and would competently do so.

ORIGINAL

6 4. The Default against the Vessel was entered on September 15, 2003. This is a default
7 against the Vessel in rem. It does not affect the in personam claim against Defendant Nikki Suisan
8 Corporation.

9 5. The Vessel is sitting idle and is deteriorating and should be sold at the earliest
10 reasonable time.

11 6. Attached hereto is a printout prepared by Plaintiff showing the outstanding invoices
12 and total amounts due on account of the Vessel.

13 7. I have received no contact from any person with regard to any potential claim with
14 respect to the Vessel.

15 8. Pursuant to FRCP 4(b), Defendant Nikki Suisan Corporation has actual notice of
16 this action.

17 9. This Judgment by Default will be in rem against the Vessel only. A motion for an
18 Order of its sale is filed herewith.

19 10. The in personam action against Defendant Nikki Suisan Corporation is based upon
20 its action as agent for certain vessels pursuant to which it became indebted to Plaintiff Shell Guam,
21 Inc.

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23 ///

24 ///

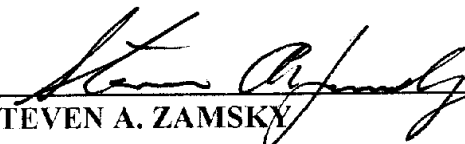
25 ///

6 11. Defendant Nikki Suisan Corporation is also the owners of the Vessel. However, the
7 in personam claim does not affect the claims against the Vessel. It is possible that the sale of the
8 Vessel would create a source repayment of any ultimate judgment against Defendant Nikki Suisan
9 Corporation in personam. This will occur if a third party were to bid at the potential sale of the
10 Vessel in an amount in excess of the Final Judgment by Default sought to be entered into in favor
11 of Plaintiff. Any such excess amount would be held by the United States Marshal's office pending
12 the ultimate determination.

13 12. Therefore, any rights of Defendant Nikki Suisan Corporation would not be adversely
14 affected by the sale of the Vessel and there is no just reason for delay.

15 I declare under the penalty of perjury under the laws of the United States of America that
16 the foregoing is true and correct.

17 Dated this 1 day of October 2003.

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19
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21 STEVEN A. ZAMSKY
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Z8(004.676)\PLD\P#2030

| Vessel | INVDATE | DOCNUM | Interest Thru | | | Daily Interest after 9/30/03 |
|-----------------------|------------|---------|----------------|----------|-----------|---------------------------------|
| | | | Invoice Amount | 9/30/03 | Total | |
| Gyoko Maru #18 | 10/11/2002 | 5349 | 8,922.55 | 1,606.06 | 10,528.61 | 35.72 |
| | | 2724196 | 606.00 | 109.08 | 715.08 | |
| | 10/12/2002 | 5351 | 5,017.58 | 903.16 | 5,920.74 | |
| | 11/24/2002 | 5433 | 8,158.14 | 1,468.47 | 9,626.61 | |
| | 11/25/2002 | 5435 | 5,581.56 | 1,004.68 | 6,586.24 | |
| | | 2724870 | 776.00 | 139.68 | 915.68 | |
| | 2/4/2003 | 5567 | 13,625.80 | 2,452.64 | 16,078.44 | |
| | | 3726007 | 340.00 | 61.20 | 401.20 | |
| | 2/5/2003 | 3726112 | 340.00 | 61.20 | 401.20 | |
| Gyoko Maru #18 Total | | | 43,367.63 | 7,806.17 | 51,173.80 | |
| Hiro Maru #11 | 10/3/2002 | 5327 | 7,317.68 | 1,317.18 | 8,634.86 | 30.95 |
| | 10/4/2002 | 5331 | 3,914.60 | 704.63 | 4,619.23 | |
| | | 2724030 | 202.00 | 36.36 | 238.36 | |
| | 11/19/2002 | 5419 | 11,637.90 | 2,094.82 | 13,732.72 | |
| | 11/20/2002 | 5420 | 1,425.31 | 256.56 | 1,681.87 | |
| | 11/21/2002 | 2724890 | 340.00 | 61.20 | 401.20 | |
| | 12/26/2002 | 5491 | 9,960.73 | 1,792.93 | 11,753.66 | |
| | | 76189 | 305.00 | 54.90 | 359.90 | |
| | 2/4/2003 | 3726005 | 68.00 | 12.24 | 80.24 | |
| Hiro Maru #11 Total | | | 35,171.22 | 6,330.82 | 41,502.04 | |
| Tenryu Maru #28 | 9/16/2002 | 5289 | 2,765.75 | 497.84 | 3,263.59 | 28.65 |
| | | 2723648 | 340.00 | 61.20 | 401.20 | |
| | 9/25/2002 | 5315 | 4,581.53 | 824.68 | 5,406.21 | |
| | 10/28/2002 | 5385 | 5,741.48 | 1,033.47 | 6,774.95 | |
| | | 2724385 | 340.00 | 61.20 | 401.20 | |
| | 11/29/2002 | 5441 | 6,273.47 | 1,129.22 | 7,402.69 | |
| | 12/1/2002 | 2725244 | 468.00 | 84.24 | 552.24 | |
| | 12/28/2002 | 5498 | 3,431.83 | 617.73 | 4,049.56 | |
| | 12/29/2002 | 76195 | 408.00 | 73.44 | 481.44 | |
| | 1/31/2003 | 5560 | 2,723.23 | 490.18 | 3,213.41 | |
| | 2/3/2003 | 5562 | 3,809.82 | 685.77 | 4,495.59 | |
| 3726004 | | 340.00 | 61.20 | 401.20 | | |
| Tenryu Maru #28 Total | | | 31,223.11 | 5,620.16 | 36,843.27 | |